

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**TRAVELERS INDEMNITY COMPANY OF AMERICA,**

**Appellant,**

**v.**

**THE WILLIAMS-CARVER COMPANY,**

**Respondent.**

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**DOCKET NUMBER WD71181**

**Date: September 7, 2010**

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Appeal from:  
Jackson County Circuit Court  
The Honorable Sandra C. Midkiff, Judge

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Appellate Judges:  
Division One: Lisa White Hardwick, Chief Judge, Presiding, James M. Smart, Jr.  
and Alok Ahuja, Judges

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Attorneys:  
Robert W. Cockerham, Esq., and Corey L. Kraushaar, Esq., St. Louis, MO, for  
appellant.  
Stephen D. Manz, Esq., and Theresa S. Hall, Esq., Kansas City, MO, for  
respondent.

# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **COURT OF APPEALS -- WESTERN DISTRICT**

**TRAVELERS INDEMNITY COMPANY OF AMERICA**

**Appellant,**

**v.**

**THE WILLIAMS-CARVER COMPANY,**

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WD71181

Jackson County

Before Division One: Lisa White Hardwick, Chief Judge Presiding,  
James M. Smart, Jr. and Alok Ahuja, Judges

Travelers Indemnity Company of America appeals from a summary judgment ruling that its negligence claim against the Williams-Carver Company is barred by the ten-year statute of repose in Section 516.097.<sup>1</sup> Appellant contends the circuit court erred in granting summary judgment because there are genuine issues of material fact as to whether the limitations defense in Section 516.097 is applicable.

**AFFIRMED.**

Division One holds: The Williams-Carver Company properly invoked the limitations period in Section 516.097 based on evidence that it performed construction services by building a refrigeration system at the job site of an

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<sup>1</sup> All statutory citations are to the Revised Missouri Statutes 2000, as updated by the Cumulative Supplement 2009.

improvement to real property. Appellant failed to present evidence materially disputing that the statute of repose is applicable and bars the negligence claim. Accordingly, the circuit court did not err in entering summary judgment in favor of the Williams-Carver Company.

Opinion by: Lisa White Hardwick, Judge

September 7, 2010

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